

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PHILIP VON KAHLE, in his capacity as
assignee for the benefit of the
creditors of COEX COFFEE
INTERNATIONAL, INC.,

Plaintiff,

-v-

CARGILL, INC.,

Defendant.

21-cv-8532 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.:

On December 19, 2024, Magistrate Judge Stewart D. Aaron issued a report and recommendation that recommended, in relevant part, denying the motion of defendant Cargill, Inc. ("Cargill") for partial summary judgment. See ECF No. 297. Cargill, in turn, filed objections to the report and recommendation, but -- after considering the parties' briefing -- the Court overruled Cargill's objections and adopted the report and recommendation in full. See ECF Nos. 303, 304, 305. Now, Cargill asks the Court to reconsider that order, raising anew many of the arguments already presented in its summary-judgment briefing and in its objections to the report and recommendation. See ECF No. 307.

The Court denies Cargill's motion for reconsideration. Assuming de novo review applies, the Court remains in full agreement with the analysis of the report and recommendation. Although Cargill has identified payments from Coex Miami to Cargill and from Coex Panama to Coex Miami, there remain disputed issues of material fact regarding

the relationship between Coex Panama and Coex Miami and thus key factual questions about whether the payments constituted "reasonably equivalent value in exchange for the transfer." Fla. Stat. § 726.105(1)(b); see also Fla. Stat. § 726.109(1).

The Clerk of Court is hereby directed to close docket entry number 307. As the Court made clear to the parties during the telephone conference held on March 25, 2025, trial in this case is firmly fixed to start on May 12, 2025.

SO ORDERED.

New York, NY
April 3, 2025



JED S. RAKOFF U.S.D.J.